THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3391 of 2007

Date: 22.02.2007

Between:

Sri Manindar Singh Ahuja and others.

....Petitioners

and

The Government of A.P. & others.

....Respondents

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O R D E R:

The petitioners state that they purchased vacant land admeasuring 450 Sq.yards (Plot No.123) in Survey No.74/9 situated in the lay out of Shantiniketan Cooperative Housing Society Limited, Mahendra Hills, Secunderabad. According to them, the document executed by the vendor was presented to the third respondent for registration. The grievance of the petitioners is that the third respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the third respondent to refuse

registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the third respondent to receive and process the document presented by the petitioners and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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22.02.2007

Note: issue c.c. in three days.

B/o

GJ

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77